

Initial Review
BOX AF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of
YIQING ZHOU ET AL.

Serial No. 08/216,440

Filed March 23, 1994

ANTIMALARIAL COMPOSITIONS



THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

Group Art Unit 1205

Examiner K. Jordan



#38
JRP
8/21/96

SUBMISSION UNDER 37 C.F.R. 1.129

Honorable Commissioner of Patents and Trademarks
Washington, D.C.

Sir:

The instant submission is presented under the provisions of 37
C.F.R. 1.129.

The requisite fee of \$750.00 accompanies herewith.

It is respectfully requested that Applicants' AMENDMENT AFTER FINAL
REJECTION filed May 20, 1996 be entered and that the Final
Rejection be withdrawn.

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By way of the instant submission, Applicants incorporate herein by reference the arguments presented in the AMENDMENT AFTER FINAL REJECTION filed May 20, 1996.

In addition to the arguments previously set forth, Applicants respectfully submit that the Examiner's comments in the Advisory Action issued June 14, 1996 simply ignore the fact that the animal model according to the Lin et al. reference does not suggest oral administration. It has been made clear in the prior prosecution of this application that the term "oral administration" as used in the abstract of the Lin et al. publication is incorrect. Therefore, the animal model is not suggestive of oral administration. Applicants refer, in this regard, to their response of October 24, 1995 at the top of page 4. If "oral administration" as used in the abstract is, in reality, intragastric gavage, as Applicants have attempted to previously explain, the oral dosage form is not predictable and the Examiner's rejection may not properly stand.

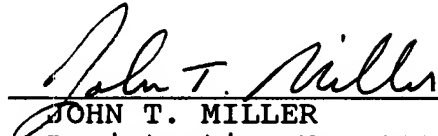
The necessary evidence to the contrary has been presented with the complete English of the Lin et al. reference. Therefore, the alleged extrapolation by the Examiner to oral administration to humans is not based upon fact.

Applicants respectfully submit that the Examiner's rejection is untenable and should be withdrawn.

Respectfully submitted,

YIQING ZHOU ET AL.

By:


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August 15, 1996